



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles Bernasconi and Shannon Wainright

Serial Number: 09/641,866

Filing Date: August 18, 2000

Examiner/Art Group Unit: C. Bleck/3626

Title: INTERNET-BASED DISPATCHING SYSTEM

DECLARATION UNDER 37 C.F.R. § 1.131

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Charles Bernasconi and Shannon Wainright, citizens of the United States,

state:

1. We are co-inventors of an Internet-based dispatching system for the placement of substitute workers into open positions that is the subject of United States application Serial No. 09/641,866, filed on August 18, 2000, which claims priority to United States provisional application Serial No. 60/150,001, which was filed on August 20, 1999.

3. This declaration is to establish completion of the invention of the above-identified application in the United States at a date prior to June 3, 1999, which is the effective date of U.S. Patent Number 6,567,784 that was cited by the Examiner in the Office Action dated November 18, 2003.

4. To establish the date of completion of the invention described in the above-identified application, we are submitting Attachments A and B.

5. Attachment A is a Declaration of Jay Boitano, who is not an inventor of the application. Attachment A shows that the dispatching system was completed at least by the date March 19, 1999, which is a date earlier than the effective date of the reference. As shown in his Declaration, Mr. Boitano tested the product periodically through its development stages and witnessed the operation of the complete system using test data in the week prior to March 19, 1999.



6. Attachment B is a Declaration of Sue Lunsford, who is not an inventor of the application. As shown in her Declaration, portions of the program were demonstrated on March 19, 1999 to her. After the meeting of March 19, 1999, we loaded actual data respecting schools, teachers and substitutes for the Tukwila School District into the database. As shown in Ms. Lunsford's Declaration, she successfully operated the system in a training session on April 6, 1999, which is also a date earlier than the effective date of the reference.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or of any patent issuing thereon.

Dated: 4/14/04

Charles Bernasconi

Dated: 4/14/04

Shannon Wainright

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles Bernasconi and Shannon Wainright

Serial Number: 09/641,866

Filing Date: August 18, 2000

Examiner/Art Group Unit: C. Bleck/3626

Title: INTERNET-BASED DISPATCHING SYSTEM

DECLARATION OF JAY BOITANO

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

I, Jay Boitano, declare as follows:

1. I am president of Boitano Homes, Inc.
2. I am familiar with the Internet-based dispatching system for the placement of substitute workers into open positions that is the subject of United States application Serial No. 09/641,866, filed on August 18, 2000, which claims priority to United States provisional application Serial No. 60/150,001, which was filed on August 20, 1999. Mr. Charles Bernasconi and Mr. Shannon Wainright are the named inventors.
3. Beginning in February 1999 through the spring of 1999, Mr. Bernasconi and Mr. Wainright tested various features of the dispatching system as Mr. Wainright programmed them. These tests occurred at my residence and in my presence using multiple phone lines. We worked at least Monday, Tuesday and Thursday evening each week. Specifically, the testing of various features of the dispatching system occurred on February 8, 9, 11, 15, 16, 18, 22, 23 and 25, 1999. The testing also occurred on March 1, 2, 4, 8, 9, 11, 15, 16 and 18, 1999. I personally tested various features of the dispatching system at several of those sessions. On at least one of these dates, I successfully reported absences, prepared lesson plans for a substitute and performed other tasks a teacher would use in the dispatching system. On at



least one of these dates, I successfully reviewed a web page list of offered assignments based upon my entered qualifications, accepted assignments over the Internet, indicated preferences and dates when unavailable, and performed other tasks a substitute would use in the dispatching system using a pass code.

4. In the week prior to March 19, 1999, I witnessed the operation of the system using test data for schools, teachers and substitutes. The test data was stored in a database and had a variety of information including the location of schools, the availability and preferences of substitutes, contact information and subjects taught by the teachers. Upon entry of an absence, the system sorted substitutes that would meet the criteria from substitutes that would not, then notified each of the acceptable substitutes simultaneously through one or more web pages accessible with a pass code. Upon acceptance of a position by a substitute, the web pages were updated immediately.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or of any patent issuing thereon.

Dated:

4/13/04

Jay Boitano
Jay Boitano

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles Bernasconi and Shannon Walnright
Serial Number: 09/641,866
Filing Date: August 18, 2000
Examiner/Art Group Unit: C. Bleck/3626
Title: INTERNET-BASED DISPATCHING SYSTEM

DECLARATION OF SUE LUNSFORD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

I, Sue Lunsford, declare as follows:

1. I am currently the State and Federal Programs Secretary for the Bellingham School District, Bellingham, WA.
2. On March 19, 1999, I attended a meeting with Charles Bernasconi and the technical director of the Tukwila School District, Leroy Stevens. At the time, I was the Substitute Coordinator for the Tukwila School District. Mr. Bernasconi explained the operation of an Internet-based dispatching system for the placement of substitute workers into open positions. Mr. Bernasconi demonstrated the program using Internet test data, accessed from my desk. He was able to report an absence, accept a position from a secured web page and update information for a substitute. The district computer was too slow to process the information efficiently from the Internet so we decided to hold a follow-up session after the purchase of a high speed computer. We provided Mr. Bernasconi with actual data respecting schools, teachers and substitutes for this follow-up session.
3. Mr. Stevens thereafter approved the order of a high speed computer system PO #44837, dated March 23, 1999 (Ex. 1). On April 6, 1999, Mr. Bernasconi and I had an operational training session including actual information from the Tukwila School District,

including teacher, school and substitute data. I was able to enter absences, customize screens and individual calendars, accept and dispatch substitutes and generate real-time reports. The system was fully operational in the reporting of absences and dispatching of substitutes through secured Internet web pages. In particular, the system allowed me to:

- (a) set up a database of employees, the database having information about qualifications of each of the employees; and
- (b) determine an open position requiring at least one qualification by playing the role of a teacher reporting an absence and specifying qualifications for a substitute;
- (c) the system then sorted the employees in the database into those having the qualification and those not having the qualification; and
- (d) the system then simultaneously notified those employees in the database having the qualification by posting information about the open position to a web page for each qualified employee that is accessible from the Internet with a pass code.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or of any patent issuing thereon.

Dated: 4-14-04

Sue Lunsford
Sue Lunsford